

CRIMINAL SANCTION FOR THE DISCLOSURE
OF CERTAIN INFORMATION

The United States Congress has from time to time recognized that there exist various categories of information which must be handled only within authorized channels. In order to protect such information, various statutes have been enacted imposing criminal penalties for unauthorized disclosure. These statutes make clear the official policy of safeguarding certain information and act as a deterrent to those who would be tempted to disregard that policy by putting their own interest before the valid interests to be protected.

The statutes imposing criminal penalties have several different objectives. Many of them impose the penalty on the individual--typically the Government employee--in whom the information is entrusted. Others subject all individuals to the penalties. Typical of those that subject the Government employee to the penalty are:

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| 7 U.S.C. 472 | - Department of Agriculture employees who publish or communicate any information given into their possession by reason of their employment shall be guilty of a misdemeanor - \$1,000, 1 year |
| 7 U.S.C. 608d | - Department of Agriculture employees who fail to observe confidentiality of marketing agreement information - \$1,000, 1 year |
| 13 U.S.C. 214 | - Department of Commerce employees who publish or communicate information coming into their possession by reason of their employment - \$1,000, 2 years |
| 18 U.S.C. 952 | - U.S. Government employees who publish or furnish diplomatic code material (either domestic or foreign code material) who have access or possession by virtue of their employment - \$10,000, 10 years |

- 18 U.S.C. 1902 - U.S. Government employees who willfully
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information by virtue of their office - \$10,000, 10 years
- 18 U.S.C. 1905 - U.S. Government employees who disclose
confidential business information coming into
their possession in the course of their
employment - \$1,000, 1 year
- 18 U.S.C. 1906 - Bank examiners who disclose loan information -
\$5,000, 1 year
- 18 U.S.C. 1907 - Examiners who disclose names of borrowers
from land bank - \$5,000, 1 year
- 18 U.S.C. 1908 - Examiners under National Agricultural Credit
Corporations law who disclose names of
borrowers - \$5,000, 1 year
- 18 U.S.C. 1917 - Civil Service Commission employees who
make unauthorized disclosure of certain
information regarding civil service examina-
tions - \$1,000, 1 year
- 26 U.S.C. 7213 - U.S. Government employees and others who
divulge income tax return information - \$1,000,
1 year, costs
- 42 U.S.C. 1306 - Department of Health, Education and Welfare
employees who disclose tax return information -
\$1,000, 1 year
- 50 U.S.C. 783 - U.S. Government employee who communicates
classified information to foreign government -
\$10,000, 10 years
- 50 U.S.C. App. 2406 - Officials performing functions under the
Export Administration Act of 1969 who
publish or disclose confidential information -
\$10,000, 1 year
- 50 U.S.C. App. 2160 - U.S. Government employees who disclose
information for commodity speculation -
\$10,000, 1 year

examiners. One statute specifically subjects a class of private individuals as follows:

- 49 U.S.C. 15 - Employees of a common carrier who disclose shipping information - \$1,000

Other statutes make all individuals subject to criminal penalties as follows:

- 7 U.S.C. 135a & f - Unlawful to use for own advantage or reveal formulas for insecticides - \$1,000, 1 year
- 18 U.S.C. 605 - Disclosure, for political purposes, of names of persons on relief - \$1,000, 1 year
- 18 U.S.C. 793 - Obtaining, copying, communicating national defense information - \$10,000, 10 years
- 18 U.S.C. 794 - Gathering or delivering defense information to aid foreign governments - death or term
- 18 U.S.C. 798 - Disclosure of certain classified information prejudicial to U.S. - \$10,000, 10 years
- 35 U.S.C. 186 - Willfully disclosing or publishing patent information - \$10,000, 2 years
- 50 U.S.C. App. 327 - Unlawful use of Selective Service records - \$10,000, 5 years
- 50 U.S.C. App. 1152 - Unauthorized disclosure of certain information regarding acquisition of vessels - \$1,000, 2 years or \$10,000, 1 year

It is important to note that 44 U.S.C. 3508 states, in part, that:

In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any

such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

This provision of law was originally codified as 5 U.S.C. 1396 but was later moved to Title 44. Apparently there is no case law interpreting the provision.

Several of the provisions mentioned above are changed in the proposed Criminal Justice Reform Act of 1975 (S.1). In many cases the Act merely changes the severity of the punishment. The specific criminal penalty is removed from 7 U.S.C. 472. Coverage is afforded in the proposed 18 U.S.C. 1524 which provides criminal sanctions for public servants or former public servants who reveal private information submitted for a Government purpose. This proposed section also provides protection now afforded in 18 U.S.C. 1905. 50 U.S.C. 2160 will be repealed under S.1. In its place will be 18 U.S.C. 1356 which provides criminal sanctions for public servants or former public servants who speculate on official governmental action or information. 18 U.S.C. 605 will be deleted, 18 U.S.C. 1906 and 1907 will be moved to Title 12, 18 U.S.C. 1908 will be deleted, and 18 U.S.C. 1917 will be moved to Title 5 under S.1.